

UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States Courts
Southern District of Texas

FILED

May 15, 2022

Nathan Ochsner, Clerk of Court

United States of America

v.

Case No. 7:22-MJ-970-1

Nestor GARCIA

DOB: 1987 Citizenship: United States

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 13, 2022 in the county of Hidalgo in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

21 U.S.C. § 841(a)(1)

Possession With Intent to Distribute a Controlled Substance/Approximately 6.18 Kilograms of Methamphetamine and 2.08 kilograms of Cocaine a Schedule II Controlled Substance.

21 U.S.C. § 952

Illegal Importation of a Controlled Substance/Approximately 6.18 Kilograms of Methamphetamine and 2.08 kilograms of Cocaine a Schedule II Controlled Substance.

This criminal complaint is based on these facts:


SEE ATTACHMENT "A"

Submitted by reliable electronic means, sworn to and attested to telephonically per Fed. R. Cr. P. 4.1,
and probable cause found on:

✓ Continued on the attached sheet.

/s/ Jesus Palomo*Complainant's signature*Jesus Palomo HSI Special Agent*Printed name and title*

Approved by AUSA Eric Flores

Date: May 15, 2022 at 9:59 a.m.City and state: McAllen, Texas
*Judge's signature*J. Scott Hacker, U.S. Magistrate Judge*Printed name and title*

1. The purpose of this affidavit is in support of a complaint to arrest Nestor GARCIA, a United States Citizen, for violations of 21 USC 841(a)(1) (Possession with intent to Distribute a Controlled Substance) and 21 USC 952 (Illegal Importation of Controlled Substance). The information in this affidavit is based on personal knowledge and information provided to me by other law enforcement officers and individuals. The information in this affidavit is provided for the limited purpose of establishing probable cause. The information is not a complete statement of all the facts related to this case.
2. On May 13, 2022, Homeland Security Investigations in McAllen, Texas, (HSI McAllen) received a request for investigative assistance from the U.S. Customs and Border Protection (CBP) Office of Field Operations at the Hidalgo Port of Entry (POE) in Hidalgo, Texas. At 3:16 pm, CBP Officers (CBPOs) detained Nestor GARCIA
3. (Hereafter GARCIA), a citizen of the United States, while attempting to enter the U.S. with approximately 6.18 kilograms of methamphetamine and 2.08 kilograms of Cocaine concealed inside of a box of "Pulparindo" candy. GARCIA entered the United States through the Hidalgo, Texas Port of Entry in a Taxi driven by Alejandro Enrique CU.
4. During the primary inspection, CBPO Winters reported that during the primary inspection he had asked GARCIA what his purpose for travel was. GARCIA stated that he was going to McAllen to attend a sweet 15 party. GARCIA declared that he was traveling with puppies, meat products, and drink mixers. CBPO Winters stated that GARCIA seemed "overly friendly" and was talkative.
5. CBPO's referred GARCIA to a secondary inspection so that the cooler full of meat products could be inspected. During the secondary inspection, CBP officers observed that GARCIA was traveling with puppies, a cooler and a box of candy. When they conducted a search of the box of candy, they found two brick shaped items and six bundles inside of the box.
6. During the physical search, CBP officers removed the bricks and bundles and cut them open. Inside the bricks CBPO's found a white powdery substance that tested positive for cocaine. When the oval shaped bundles were cut open, CBPO's found a clear crystalline substance that tested positive for methamphetamine. A GEMINI tool was used to test both the crystalline substance and the white powdery substance. The combined weight of both types of drugs resulted in a weight of 8.26 kgs.
7. Homeland Security Investigations (HSI) Special Agent (SA) Palomo responded to the Hidalgo POE to assist in the investigation. SA Palomo advised GARCIA of his Miranda warning in English. GARCIA waived his rights in writing and spoke to SA Palomo. HSI Special Agent interviewed GARCIA. Throughout the interview, GARCIA's phone was continuously ringing. The same phone number had called to GARCIA's phone 13 times. At one point during a discussion about the phone, GARCIA attempted to grab the phone out of SA Palomo's hand and continued to pull the phone until SA Palomo told him to stop. Later in the interview, GARCIA verbally consented to a search of his phone.

8. GARCIA provided several different versions of his trip into the United States to law enforcement officials. GARCIA told CBPO's that his reason for traveling to the United States was to go to a sweet 15. In the interview, he told SA Palomo that he was traveling from Monterey Mexico to Reynosa with an unknown male in a white passenger van to drop off candy, puppies, and meat products at a local Walmart in McAllen. He stated that the unknown male in the van would drop him off in Reynosa and GARCIA would catch a cab to meet up with another unknown male who would pick up the merchandise at the parking lot. SA Palomo asked GARCIA how he would get into contact with this unknown individual. GARCIA stated that his mother would call the unknown male and then relay the information to GARCIA.
9. Later in the interview, GARCIA provided a second version of his trip to the United States. In this version, GARCIA admitted that there were four individuals in the white van that was traveling to Reynosa. He stated that an unknown male and two older females were driving with him in the van. He stated that they also had puppies and other items that they were taking to Dallas. GARCIA admitted that the van he drove in from Monterey was crossing into the United States at the same time he was crossing into United States in the taxi. Law enforcement databases confirmed that a van matching the description with two older females and a male had crossed into the US while GARCIA had been detained at the POE in Hidalgo.
10. GARCIA finally admitted that the plan that he and his mom had developed was as follows. GARCIA was going to transport the candy, puppies, and a cooler in the white van with the unknown male and two older females. He stated that he was transporting the items as a favor for his mom. Once they arrived at Reynosa, he would be dropped off at a hospital in Reynosa. GARCIA's mom would then arrange a taxi to pick GARCIA up from the hospital and drive him to a parking lot at a McAllen Walmart. He would then meet up at the parking lot with the same white van and all four individuals would travel to Dallas to drop off the candy, puppies, and cooler at a location in Dallas. GARCIA was unable to provide any names numbers or addresses to the locations that he was supposed to go to in Dallas. He stated that his mom would be communicating with the parties in Dallas and relay the information to him when he arrived in Dallas.
11. A search of GARCIA's phone showed that he had been in constant communication with his mom via messaging. His mom sent several messages inquiring about his location. GARCIA sent his mom pictures of the items that were in his possession and pictures of landmarks to show proof of his location. The messages clearly showed that GARCIA's mom had scheduled the taxi transportation and coordination of what items were to be transported in both vehicles.
12. SA Palomo asked GARCIA why he had lied at the beginning of the interview. GARCIA stated that he was a "compulsive liar". He laughed about it and even admitted that he believed he was a "good liar".